

1 ADAM R. FULTON, ESQ.  
Nevada Bar No. 11572  
2 E-mail: afulton@jfnvlaw.com  
LOGAN G. WILLSON, ESQ.  
3 Nevada Bar No. 14967  
4 E-mail: logan@jfnvlaw.com  
**JENNINGS & FULTON, LTD.**  
5 2580 Sorrel Street  
Las Vegas, Nevada 89146  
6 Telephone: (702) 979-3565  
7 Facsimile: (702) 362-2060  
*Attorneys for Plaintiff Jeffrey P. Bennett*

8  
9 **UNITED STATES DISTRICT COURT**  
10 **DISTRICT OF NEVADA**

11 JEFFREY P. BENNETT, an individual,  
12 Plaintiff,

13 v.

14 UNITED STATES OF AMERICA;  
DOES I-X, inclusive; and ROE  
15 CORPORATIONS I-X, inclusive,  
16 Defendants.

CASE NO.: 2:20-cv-01584-GMN-DJA

**JOINT DISCOVERY PLAN AND  
SCHEDULING ORDER**

**[SPECIAL SCHEDULING REVIEW  
REQUESTED]**

17  
18 Pursuant to Fed. R. Civ. P. 26 and 26-1, Plaintiff, JEFFREY P. BENNETT, by and  
19 through his attorneys of record, ADAM R. FULTON, ESQ. and LOGAN G. WILLSON,  
20 ESQ. of the law firm of JENNINGS & FULTON, LTD., and Defendant UNITED STATES  
21 OF AMERICA, by and through NICHOLAS A. TRUTANICH, ESQ., United States  
22 Attorney, and SKYLER H. PEARSON, Assistant United States Attorney, hereby submit  
23 this proposed Joint Discovery Plan and Scheduling Order.  
24

25 **First Appearance.** Plaintiff filed the Complaint on August 26, 2020. On January  
26 5, 2021, Defendant filed the Answer. On January 6, 2021, Plaintiff filed his Demand for  
27 Jury Trial.  
28

1           **FRCP26(f) Conference.** On January 14th, 2021, counsel for Plaintiff Logan G.  
2 Willson, Esq., and counsel for Defendant, Skyler H. Pearson, Esq., participated in a  
3 discovery and scheduling conference to discuss all issues required by Federal Rule of Civil  
4 Procedure 26(f) and LR 26-1.

5           **Statement Concerning Special Scheduling Review and Modified Deadlines.**

6  
7 The Parties discussed the impact of COVID-19 on timing of discovery and the ability to  
8 conduct discovery. While the Parties agree that discovery can proceed, the parties agree  
9 that the broad-scale disruption caused by social distancing, remote working, and the other  
10 impacts of COVID-19 will hinder the progress of discovery for the foreseeable future.  
11 Moreover, this is a personal injury matter, anticipated depositions for multiple medical  
12 providers hinders the ability to schedule and conduct depositions. Further, initial and  
13 rebuttal expert disclosures and depositions will be further delayed as a result. As such, the  
14 parties have agreed to propose an extended schedule to accommodate the inevitable delays  
15 and disruptions as a result of COVID-19. The parties propose the following discovery plan:

16  
17           1.       **Discovery Cut-Off Date.** The proposed cut-off date for discovery shall be  
18 November 15th, 2021, 10 months from the FRCP 26 Conference. The parties also have  
19 requested additional time beyond the typical six-month discovery period in anticipation of  
20 the disruption to health and safety concerns of COVID-19 which they expect will  
21 significantly impact conducting discovery in the foreseeable future.

22  
23           2.       **Amending Pleadings and Adding Parties.** All motions to amend the  
24 pleadings or add parties shall be filed no later than August 17, 2021, not more than 90 days  
25 prior to the close of discovery.

26           3.       **Fed. R. Civ. P.26(a)(2) (Experts).** Disclosures concerning experts shall be  
27 made by September 16, 2021, not more than 60 days prior to the close of discovery.  
28

1 Disclosures concerning rebuttal experts shall be made by October 15, 2021, not more than  
2 30 days prior to the close of discovery.

3       4.       **Dispositive Motions.** The date for filing dispositive motions shall be not  
4 later than December 15, 2021, not more than 30 days after the close of discovery. In the  
5 event that the discovery period is extended from the discovery cut-off date set forth in this  
6 proposed discovery plan and scheduling order, the date for filing dispositive motions shall  
7 be extended to not later than thirty (30) days from the subsequent discovery cut-off date.  
8

9       5.       **Pretrial Order.** The date for filing the joint pretrial order shall be not later  
10 than December 15, 2021, 30 days after the close of discovery. In the event that dispositive  
11 motions are filed, the date for filing the joint pretrial order shall be suspended until thirty  
12 (30) days after the decision on the dispositive motions or until further order of the Court.  
13 In the further event that the discovery period is extended from the discovery cut-off date set  
14 forth in this proposed discovery plan and scheduling order, the date for filing dispositive  
15 motions shall be extended to not later than thirty (30) days from the subsequent discovery  
16 cut-off date.  
17

18       6.       **Fed. R. Civ. P.26(a)(3) Disclosures.** The disclosures required by Fed. R.  
19 Civ. P. 26(a)(3), and any objections thereto, shall be included in the joint pretrial order.  
20

21       7.       **Alternative Dispute Resolution.** The Parties have discussed all alternative  
22 forms of dispute resolution and will continue to explore the possibility as this case  
23 proceeds.

24       8.       **Alternative Form of Case Disposition.** The Parties have discussed this  
25 option and agree that this case is properly set before the District Court.

26       9.       **Electronic Evidence.** The Parties have discussed the use of electronic  
27 evidence at trial and plan on presenting electronic evidence pursuant to this rule at trial.  
28

10. **Extensions or Modification of The Discovery Plan and Scheduling**

11. **Subjects of Discovery.** The Parties agree that discovery may be taken on any subjects permitted by the Federal Rules of Civil Procedure.

13. **Document Production.** All documents produced in this action will be delivered as either hard copy documents or Tagged Image File Format (“TIFF”), Portable Document Format (“PDF”), and compressed digital files (JPEG) images unless the requesting party specifically requests that any responsive electronic documents be produced in native format. If a requesting party seeks metadata regarding an electronically stored document, that party shall specify the request for metadata in the request or by separate request for production.

///

///

///

// // //

/ / /

1 protective order for the Court's consideration.

2 DATED: January 25th, 2021

DATED: January 25th, 2021

3 **JENNINGS & FULTON, LTD.**

**UNITED STATES ATTORNEY**

4  
5 /s/ Adam R. Fulton, Esq.

6 ADAM R. FULTON, ESQ.

7 Nevada Bar No. 11572

8 E-mail: afulton@jfnvlaw.com

9 LOGAN G. WILLSON, ESQ.

10 Nevada Bar No. 14967

11 E-mail: logan@jfnvlaw.com

12 2580 Sorrel Street

13 Las Vegas, Nevada 89146

14 *Attorneys for Plaintiff*

/s/ Skyler H. Pearson, Esq.

NICHOLAS A. TRUTANICH, ESQ.

Nevada Bar No. 13644

SKYLER H. PEARSON, ESQ.

ASSISTANT UNITED STATES  
ATTORNEY

501 Las Vegas Blvd. So., Ste. 1100

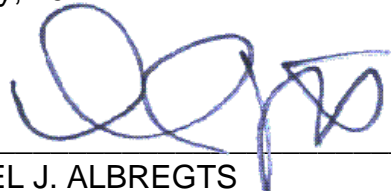
Email: Skyler.pearson@usdoj.gov

*Attorneys for the United States*

15 **ORDER**

16 IT IS HEREBY ORDERED that the parties' Joint Discovery Plan and  
17 Scheduling Order is granted in part and denied in part. The deadline to file  
18 the Joint Pretrial Order is **January 14, 2021**, 30 days after the dispositive-  
19 motion deadline.

20 DATED this 26th day of January, 2021.

21  
22  
23  
24  
25  
26  
27  
28  


DANIEL J. ALBREGTS  
UNITED STATES MAGISTRATE JUDGE

**CERTIFICATE OF SERVICE**

I hereby certify that I am an employee of JENNINGS & FULTON, LTD., and that on the 25th day of January 2021, I caused a true and correct copy of the foregoing **JOINT DISCOVERY PLAN AND SCHEDULING ORDER** by U.S. Mail addressed to the following counsel of record at the address listed below:

NICHOLAS A. TRUTANICH  
United States Attorney  
District of Nevada  
Nevada Bar No. 13644

SKYLER H. PEARSON  
Assistant United States Attorney  
501 Las Vegas Blvd. So., Suite 1100  
Las Vegas, Nevada 89101  
(702) 388-6336  
skyler.pearson@usdoj.gov  
*Attorneys for the United States*

/s/ Karyna Cervantes  
*An Employee of*  
JENNINGS & FULTON, LTD.